

DETAILED ACTION

Upon updating the search on the instant application and preparing the case for issue, Examiner has reconsidered his position with respect to the novelty of the disclosed and claimed materials. Accordingly, a non-final office action is as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US Pat. 6,880,722).

The Anderson et al. reference discloses a blister form medicament pack comprising a base sheet and a lid sheet (see Fig. 4), but is silent as to the base sheet and/or the lid sheet have a laminate structure comprising a first layer of aluminum foil; and (b) a second layer of polymeric material of thickness from 10 to 60 micron, said polymeric material (see materials listed in claim 2 of the instant application) having a water vapour permeability of less than 0.6 g/(100 inches²) (24 hours) (mil) at 25°C. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make or manufacture the base sheet and/or the lid sheet of a laminate structure comprising a first layer of aluminum foil; and (b) a second layer of polymeric material of thickness from 10 to 60 micron, said polymeric material having a water vapour permeability of less than 0.6 g/(100 inches²) (24 hours) (mil) at 25°C, since it has been held to

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be within the general skill of a worker in the art to select a known material (Examiner acknowledges Applicant's statement on page 2, lines 24-30 that the materials are unconventional in the blister form field, but such statement acknowledges that such materials are known for its desires water vapor permeability) on the basis of its suitability (such water vapor permeability over 24 hours at 25°C is certainly suitable in the medicament blister forms in order to prevent moisture contamination of the medicament powder) for the intended use as a matter of obvious design choice. *In re Leshin, 125 USPQ 416.*

In regard to claims 24-27, see col. 24, line 56 to col. 25, line 45 of Anderson et al.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Steven O. Douglas/ whose telephone number is (571) 272-4885. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven O. Douglas/
Primary Examiner
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SD
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